



Hungary

Country Reports on Human Rights Practices - [2003](#)

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Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Peter Medgyessy led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after multiparty elections in April 2002. The judiciary is independent.

The Hungarian National Police (HNP), under the Ministry of Interior's oversight, has responsibility for law enforcement and maintenance of order within the country. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country has completed its transition from a centrally directed economy to a fully functioning market economy. The country's population was approximately 10.1 million. The private sector accounted for more than 80 percent of gross domestic product. The Socialist Government maintained a strong commitment to a market economy but did little to address remaining problems in agriculture, health care, and with tax reform. Despite 7 years of strong economic growth, an estimated 25 percent of the population lived in poverty, with the elderly, large families, and the Roma most affected. The economic growth was estimated at approximately 2.8 percent; inflation declined to 5 percent; and unemployment remained below 6 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that some police used excessive force, beat, and harassed suspects, particularly Roma. There were allegations of government interference in editorial and personnel decisions of state-owned media. Violence against women and children remained serious problems. Sexual harassment in the workplace also continued to be a problem. Anti-Semitic and racial discrimination persisted. Societal discrimination against Roma was a serious problem. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Supreme Court ruled all defendants innocent in six cases charging crimes against humanity for incidents during the 1956 revolution.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, the police occasionally used excessive force, beat and harassed suspects, particularly Roma.

The Government more actively pursued allegations of police abuse. In the first half of the year, authorities

investigated 67 cases of suspected abuse by police involving 55 police officers. The majority of cases occurred during interrogations. A total of 47 incidents resulted in court cases, with 28 guilty verdicts. The Ministry of Interior estimated that approximately half of the court cases involved abuse against Roma.

By year's end, there had been no court verdict in the 14 cases of police abuse referred to the Office of the Prosecutor in 2002.

There were occasional reports that police punched, kicked, and struck persons with truncheons while in police custody. The Government conducted investigations in some cases and brought charges against individual police officers. A March 2002 case, which charged five border guards for abuse of authority and causing bodily harm to two Romani men in a 2001 incident near the border with Croatia, was transferred to a Croatian court.

Although some observers attributed the rising number of reports of police abuse to an increased willingness to seek official redress, local nongovernmental organizations (NGOs) believed official statistics still underreported the number of incidents of police abuse. During the year, the Government Office of Ethnic Minorities received regular complaints from Roma of police abuse and misconduct. Despite increased investigations into allegations of police abuse, the Minority Affairs Ombudsman believed that the situation remained constant and possibly was marginally better.

NGOs reported fewer cases of police harassment of foreign residents, particularly of non-Europeans; however, police continued to show indifference toward foreigners who were victims of street crime. Discrimination against dark-skinned foreigners persisted.

In July, a police officer allegedly beat a protester in detention (see Section 2.b.).

Prisons were overcrowded but generally met international standards. As of September, the prisons and detention centers held 16,940 persons or 149 percent of capacity, a decrease of 6 percent compared with 2002. The Government continued to expand the number of detention facilities, and a new prison opened in July.

Men and women were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted prisoners.

On November 27, a Romani inmate burned to death in a "rubber cell" at a prison in Zalaegerszeg, Zala County. The public prosecutor's investigation was pending at year's end.

The Government permitted visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The HNP has responsibility for law enforcement and maintenance of order under the direction of the Ministry of Interior. In addition, city police forces and the National Border Guards share security responsibilities, ultimately also under the Ministry of Interior's direction. The Government more actively pursued allegations of police abuse. Punishments for abuses committed by police included fines, probation, prison sentences, and dismissal (see Section 1.c.). A book on victim protection, used to train police officers and activists, also listed all NGOs providing protection to crime victims.

The law requires that police obtain warrants to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings and that the authorities provide counsel for juveniles, the indigent, and persons with mental disabilities; however, credible reports suggested that police did not always allow access to counsel, particularly for persons accused of minor crimes.

The Law on Criminal Procedures, which took effect on July 1, caps the length of pretrial detentions at 3 years, establishes a comprehensive bail system, establishes a regional court system, and shifts power from the police to the court system. As of July 1, pretrial detention, based on a warrant issued by a judge, may not exceed 3 years while criminal investigations are in progress. The Government may detain individuals in pretrial detention only after

charges are brought. Not all suspects were remanded to detention centers pending trial. The law stipulates that authorities can request pretrial detention in cases when it is likely the suspect will flee, when the gravity of the charges warrant detention, or when the release of the suspect would endanger the investigation. During the year, 6 juvenile offenders and 12 adults who had been detained for more than the new maximum period were set free.

The Prosecutor General's Office reported that the average length of pretrial detention during the first 6 months of the year was 125 days, although nearly 15 percent of detainees were held for periods longer than 8 months. Aliens usually were held until their trials, since they were considered likely to flee the country. Roma alleged that they were kept in pretrial detention longer and more frequently than non-Roma, although the data protection law prohibits keeping records detailing the ethnicity of the detainees (see Section 1.e.). The law provides for compensation if a detainee or victim of forced medical treatment is released for lack of evidence, but the procedure rarely was exercised since detainees must undertake a complicated legal procedure to pursue such claims. The Minister of Justice decides upon compensation. The amount is decided on a case-by-case basis and may cover the costs of the trial, attorney's fees, lost wages, and some miscellaneous sums.

The law permits police to hold suspects in public security detention (PSD) under certain circumstances, including when a suspect has no identity papers, when blood or urine tests must be performed to determine blood alcohol content, or when a suspect continues to commit a misdemeanor offense in spite of a prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees were not always informed of the charges against them, because such periods of "short" detention were not defined as "criminal detention" and, therefore, were not considered covered by the Criminal Code. However, there were no reports that police abused these rights in practice.

A Victims' Protection Office operated in each county's police headquarters to provide psychological, medical, and social services to victims of crime. At the conclusion of judicial proceedings, victims may apply through the National Public Security and Crime Prevention Public Foundation for financial compensation, which is to be paid by the person convicted of the crime. The White Ring Nonprofit Association, which was a member of the European Victims' Protection Forum, supported the work of the Victims' Protection offices.

The law does not provide for forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. Until July 1, there were three levels of courts: Superior, county, and local. Original jurisdiction in most matters rested with the local courts. Appeals of their rulings were made to the county courts or to the Budapest municipal court, which had original jurisdiction in other matters. The Supreme Court was the final court of appeal, while the Constitutional Court was the final court on constitutional matters. The Supreme Court also could hear appeals of military court decisions. Effective July 1, a regional court system was established. The new regional courts serve as the court of appeals for county cases, thus creating a fourth level of appeals in the court system.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it, as well as the compliance of these laws with international treaties that the Government has ratified. Parliament elects the 11 members of the Constitutional Court, who serve 9-year terms. The judges elect the president of the Constitutional Court among themselves by secret ballot. Citizens may appeal to the Constitutional Court directly if they believe that their constitutional rights were violated. The Constitutional Court does not function as a court of appeal, and it cannot override the sentences made by regular courts. It can decide if a law is unconstitutional or not, and citizens can demand a retrial of their cases on the basis of a Constitutional court decision. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the Court to render a decision, resulting in a considerable backlog of cases. No judge or member of the Supreme or Constitutional Courts may belong to a political party or trade union. Members of the Constitutional and Supreme Courts also may not be members of Parliament or be employed in local government. The National Judicial Council nominated judicial appointees other than for the Constitutional Court and oversaw the judicial budget process.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, but, in some cases, judges may agree to a closed trial to protect the accused or the victim of a crime, such as in some cases of rape. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until

proven guilty. Counsel is appointed for indigent clients, but the public defender system generally provided substandard service. There was no public defender's office; private attorneys may or may not choose to serve in this capacity. Public defenders were paid poorly--less than \$4 (1,000 HUF) for the first hour of the trial and less than \$2 (500 HUF) for each additional hour--and did not give indigent defendants priority. Lawyers often met indigent clients for the first time at trial. During the year, Parliament adopted an Act on Legal Aid, which is scheduled to take effect in 2004 that will introduce a wider scope of assistance to defendants.

Judicial proceedings varied in length, and delays of several months to a year before the commencement of trials were common. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. There is no jury system; judges are the final arbiters. The new Criminal Procedure Law allows 3 years from the start of an investigation until the first instance court sentence. Cases that have not resulted in a sentence are dismissed. The new law gives prosecutors more investigative powers than the HNP. Prosecutors may employ plea-bargaining, which police considered an important weapon in the fight against organized crime.

Many human rights and Romani organizations claimed that Roma received less than equal treatment in the judicial process. Specifically, they alleged that Roma were kept in pretrial detention more often and for longer periods than non-Roma. This allegation was credible in light of general discrimination and prejudice against Roma; however, there was no statistical evidence, since the data protection law does not permit identifying the ethnicity of offenders. Since the majority of Roma were from the lowest economic strata, they also suffered from substandard legal representation.

Military trials follow civil law and may be closed if justified on national security or moral grounds. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The law provides that the prosecutor's office may issue search warrants. Police must carry out searches of private residences in the presence of two witnesses and must prepare a written inventory of items removed from the premises.

According to NGOs, during the year, there were several instances of evictions of families, mostly Roma, for non-payment of rent and utilities. The Roma Civic Rights Foundation and other NGOs visited and reported on cases of forced eviction and urged local governments to provide temporary shelters for the displaced families.

In January, police in Tolna County concluded an investigation into the Minority Affairs Ombudsman's allegation of housing discrimination against Roma removed to towns surrounding the town of Paks in September 2002. The police determined that there was no violation of the law, and the case was closed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, opposition parties criticized the Government for influencing editorial and personnel decisions of state-owned media. Individuals may criticize the Government publicly or privately without reprisal and did so in practice.

Numerous privately owned print publications expressing a variety of views were available to the public. The Government generally did not interfere with the operation of private news media; however, there were allegations that the Government regularly limited access to government officials by journalists and editors of a newspaper that had published reports critical of the Government and the Prime Minister.

Interference in state-owned media remained a concern. Several state-owned radio and television stations were governed by a state-appointed public media oversight board, which has proportional political representation. The Government attempted to "balance" state-owned media news coverage through personnel decisions. Opposition

political parties were traditionally critical of the pro-government news coverage in state-owned media, and the audience for private news outlets exceeded that for state-owned broadcasters.

The Media Law provided for the creation of nationwide commercial television and radio boards and was intended to insulate the remaining public service media from government control. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties, and censured and fined public and private broadcasters.

Minority language print media continued to appear, and the state-run radio broadcast 2 hours of daily programs in languages of the major minority groups: Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carried a 26-minute program produced by and for each of seven major minority groups. In addition, a 50-minute joint program serving the five smaller minority communities was seen on a monthly basis along with a 30-minute weekly documentary covering one of the communities. All of the programs were repeated during the weekend. Programming of Radio C, a public-foundation-sponsored nonprofit station with a staff 80 percent Romani, was received only in the Budapest metropolitan area; however, Radio C management contracted to sell some of their programs to regional radio stations. Television programs for, about, and by ethnic Hungarians in the neighboring countries were broadcast for 4.5 hours per week.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

The Law places no restrictions on gatherings. In exceptional circumstances, authorities may restrict the time and place of demonstrations but may not ban them. Only when a planned gathering would cause a significant disturbance to the functioning of a court, representative body, or public transit may the police impose restrictions. The Government did not require permits for assembly, except when a public gathering was to take place near sensitive installations, such as military facilities, embassies, or key government buildings. During the year, authorities utilized this clause to block four events, of which three were politically sensitive protests.

On January 31, an officially registered organization with ties to neo-Nazi groups, Blood and Honor, requested a police permit to stage a demonstration in Budapest on February 9. The demonstration was to take place at a site commonly used for political rallies, cultural events, and demonstrations. Authorities cited interference with public parking and vehicle traffic in their decision to ban the event. Subsequently, authorities permitted the Young Socialists to assemble at the same place and day without restrictions. Blood and Honor had earlier and unsuccessfully sought to hold an event in Budapest's castle district. In that case, the district administration claimed that all its meeting facilities had already been reserved. Subsequently, Blood and Honor received a permit to hold a gathering on February 15.

A coalition of civic organizations planned a peace march for February 15 on a popular and historic boulevard in downtown Budapest. The date corresponded with the timing of similar events in other European capitals. Authorities objected to the proposed route on the ground that it would disturb public transit, and the Budapest Municipal Court reaffirmed a police decision to preempt the march. Despite the police decision, a peace march of approximately 10,000 participants took place on that date.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion; however, there are 4 historically recognized religions (Roman Catholic, Calvinist, Lutheran, and Jewish) and 136 officially recognized religions.

A group must provide 100 signatures to register as a religion, which it may do in any local court. While any group was free to practice its faith, formal registration made available to religious groups certain protections and privileges and granted access to several forms of state funding. The Government provided subsidies to some religious groups each year, and taxpayers may contribute 1 percent of their net tax payments to a registered religious body. In January, Parliament amended the tax code to make donations to any registered religion tax free, and the Government matches taxpayer donations. During the year, the Government provided subsidies to 117 religious groups, compared with 100 in 2002.

Religious instruction was not part of the public school curriculum; however, the State permits primary and secondary school students to enroll in extracurricular religious education classes.

The religious groups and the State agreed on a number of properties to be returned and an amount of monetary compensation to be paid for properties that could not be returned. These agreements are subsumed under the 1991 Compensation Law, which requires the Government to compensate religious groups for properties confiscated by the Government after January 1, 1946. During the year, the Government paid religious groups \$28.3 million (7.07 billion HUF) as compensation for the assets confiscated during the Communist regime.

During the year, the Government resolved 174 cases regarding properties seized from religious groups by the communist regime; 61 churches received real estate and 113 churches received monetary compensation. At year's end, there were fewer than 1,000 cases pending.

Representatives of the Jewish community expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. For example, certain segments of an ongoing Sunday news magazine, *Vasarnapi Ujsag*, on Hungarian Public Radio were criticized for presenting guests who held anti-Semitic viewpoints. In October, a weekly talk show, *Ejjeli Menedek*, hosted Holocaust denier David Irving, who made derogatory statements regarding Jews. The show was subsequently cancelled. Jewish community representatives complained that an anti-European Union (EU) movement used the Star of David in its material. They also requested the Ministry of Cultural Heritage to close a county museum exhibition highlighting the Arrow Cross and Hungarian nationalism during World War II; the exhibition was closed, and the materials were returned to their owners.

According to police reports, there were 459 cases of persons vandalizing gravestones and cemeteries during the year, compared with 371 such cases in 2002. There was no data on which churches owned the cemeteries. The Jewish community stated that there were fewer acts of vandalism in Jewish cemeteries than in 2002, attributed most of the incidents to youths, and did not consider the incidents anti-Semitic. During the year, an appeals court reversed the conviction of a Calvinist pastor and former Hungarian Truth and Life Party Member of Parliament (M.P.), who was charged with incitement to hatred in connection with anti-Semitic articles published in 2001.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Unlike in previous years, there were no reports that local authorities tried to expel Roma from towns.

The Government may delay but may not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with approximately \$40,000 (over 10 million HUF) or more in public debt may be denied travel documents. The Government did not impose an exit visa requirement on its citizens or on foreigners. Social and economic problems continued to drive emigration of Roma, particularly to Canada and EU member states.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. The UNHCR reported that 2,401 asylum seekers entered the country during the year, including 1,843 illegal border crossers. The asylum seekers came primarily from Afghanistan, Iraq, Turkey, Somalia, and Georgia. The Government granted refugee status to 772 applicants, and, at year's end, 290 cases were pending. The Office of Immigration and Nationality (OIN), formerly the Office of Migration and Refugee Affairs, is the central authority for asylum and immigration matters.

Asylum applicants were housed in three government-owned camps and two temporary camps run by NGOs. One temporary camp was closed and another for unaccompanied minors was opened during the year.

The OIN operated seven regional offices to process asylum requests and administered reception centers. Prospective refugees who sought only to transit to other European countries were encouraged to return to their countries of origin. At year's end, 602 asylum seekers were living in 3 permanent and 1 temporary reception centers, and there were 13 minors (ages 8 months to 17 years) living in a new home for unaccompanied minors. For aliens requiring greater monitoring in a more restrictive environment, the OIN operated four different shelters it called community shelters. Aliens housed in the reception centers enjoyed fewer restrictions on freedom of

movement than those in community shelters did. Several NGOs and human rights organizations supported asylum seekers and provided legal information.

The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees. Foreigners apprehended trying to cross the border illegally either may apply for refugee status if they have valid travel documents or were housed temporarily at one of eight border guard facilities throughout the country, pending deportation; at year's end, 102 persons occupied these facilities. The greatest number of aliens in the border guard facilities came from Moldova, Afghanistan, China, Serbia, and Ukraine. Although police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often resulted in lengthy stays. NGOs criticized the Government's indefinite detention of stateless and some undocumented foreigners pending resolution of their cases. There were no reports of abuse during deportation. NGOs and foreign governments continued to criticize the Government for inhumane conditions in the border guard facilities and for the arbitrary application of asylum procedures. The Government restructured the OIN, transferred some asylum adjudication procedures from the Border Police, established OIN reception facilities, and worked with NGOs to redress the situation and improve conditions.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Elections are held at least every 4 years. Elections for M.P.s took place in April 2002, and municipal elections were held in October 2002. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

M.P.s are elected every 4 years through a multi-stage process, in which voters cast ballots for individual candidates and party lists. In May 2002, the Socialist Party and the Alliance of Free Democrats established a post-election coalition, which gave the 2 parties a 10-member majority in Parliament. The Socialist Party was the senior coalition member and nominated Peter Medgyessy as Prime Minister. The FIDESZ-Hungarian Civic Party and the Hungarian Democratic Forum were the opposition groups in Parliament. The law on ethnic minorities and the election law provide for the establishment of minority self-governments (see Section 5).

There were no legal impediments to women's participation in politics or government. In Parliament, 35 of 386 representatives were women. Two women served in the Cabinet, and several women were state secretaries and deputy state secretaries. A woman (a former Minister of Justice) headed the Hungarian Democratic Forum, one of four parties represented in Parliament. The Speaker and one of the deputy speakers of Parliament were women. The level of women's political participation was greater in provincial and municipal governments than at the national level. The Hungarian Women's Alliance held weekend courses throughout the year to promote the participation of women in public life.

Although there was no allocation of minority representation, there were several ethnic minority M.P.s, including ethnic Germans and ethnic Slovaks. There were four Romani M.P.s.

The law provides for the establishment of local minority self-governments to enhance respect for the rights of ethnic minorities, particularly in the fields of education and culture. The self-governments received funding from the central budget and some logistical support from local governments. Self-governments provided wide cultural autonomy for minorities and handled primarily cultural and educational affairs. The president of each self-government is a delegate to the assembly of local governments. The president has no voting or veto rights but has the right to speak and attend committee meetings. Minority self-governments are dependent on local governments for funding, office space, and equipment. Any of the 13 minorities may set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements.

Since ethnicity was not registered officially, voting on minority self-governments was not limited to the minorities themselves. All voters received a minority ballot in addition to the local government ballot. The elected local minority self-governments could elect their national minority self-governments, which have been formed by all 13 minorities. Several Romani self-governments have regional groupings to facilitate cooperation. Critics called for increasing the authority and financial resources of the minority self-governments.

In 2002, non-minority candidates were elected to minority self-governments and, in some cases, even obtained a majority, for instance, in Jaszladany. Romani rights observers viewed the outcome as undermining the local Romani community. Government efforts to amend the laws on minorities and elections to prevent non-minority voting in elections for minority self-governments were pending at year's end. In August, there were 1,845 active

self-governments. Romani mayors headed 4 municipal governments, and 544 Roma sat on local and county government assemblies.

Two factors limited the effectiveness of the Romani and other minority self-governments: Elections of non-minorities to the self-governments, which prevented some minorities from exercising the autonomy the law is intended to promote, and the reported abandonment by some local governments of responsibilities for government functions related to the minorities, which the self-governments lacked the legal mandate and resources to address.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Many NGOs reported that the Government continued to be responsive to their requests for information. Human rights groups indicated improvement in the degree of cooperation from government ministries and prosecutors' offices on cases involving Roma and police abuse. An increasing number of NGOs were involved in the law-making process; however, NGOs claimed that the Government's cooperation in this area was insufficient.

The Government did not interfere with activities of international NGOs, and several of them, including the Helsinki Committee, established offices in the country.

A 21-member parliamentary Committee for Human, Minority, and Religious Rights conducted hearings and participated in the law-making process. The Committee was composed of both majority and opposition M.P.s, reflecting the proportion of party representation in Parliament, and was headed by an opposition chair. There were separate ombudsmen for human rights, data protection, and minority affairs. The ombudsmen were independent from the Government and prepared annual reports to Parliament on their activities and findings. Parliament elects the ombudsmen for 6-year terms. Persons with complaints who have not obtained redress elsewhere may seek the assistance of the Ombudsman's office. The Ombudsman's office does not have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

The Minority Affairs Ombudsman--an ethnic German elected to a second term in 2001--played an active role in the examination of allegations of discrimination against the Romani community in such cases as school segregation, access to housing, and the election of non-Roma to the Romani minority self-governments (see Sections 3 and 5).

The Government created a new cabinet-level position of Minister Without Portfolio for Equal Opportunity. The state secretariats of Roma Affairs and Civil Relations were relocated under this minister.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination persisted, particularly against Roma.

Women

Domestic violence against women was believed to be common, but the vast majority of such abuse was not reported, and victims who came forward often received little help from authorities. The NGO Women Against Violence Against Women (NANE) reported that 20 percent of women were threatened by or were victims of domestic violence and that one woman per week was beaten to death. NGOs also reported that there was insufficient emphasis on the protection of female crime victims. Police and prosecutors usually were unsympathetic to victims of domestic abuse.

The laws criminalize spousal rape. Women's rights organizations claimed that 1 woman in 10 was a victim of spousal abuse and that societal attitudes towards spousal abuse were archaic. The law prohibits domestic violence and establishes criminal penalties for those convicted of such acts. During the year, there were no known prosecutions for domestic violence.

Although there are laws against rape, for cultural reasons, the crime often was unreported. Police attitudes toward victims of sexual abuse reportedly were often unsympathetic, particularly if the victim was acquainted with her abuser. During the year, women were victims of 82,243 reported crimes. NGOs claimed that the police were unwilling to assist victims in one-third of the reported cases.

Each county police station has a victim's protection unit. Police recruits received training from representatives of NGOs and international organizations on proper responses to rape and sexual assault cases. Victims of domestic violence could obtain help and information via a national hotline or at one of several shelters. The hotline operated intermittently for 3 hours each day, and a message system was activated when a counselor was unavailable in person. Shelters provided short-term refuge, and their locations were concealed to protect victims.

Prostitution is illegal; however, municipal governments may establish "tolerance zones" where such activity may occur. The first tolerance zone, established in the eastern city of Miskolc in 2002, was closed down by the local government, while a new zone was established in Budapest.

Trafficking in women for the purposes of sexual exploitation was a serious problem (see Section 6.f.).

The Penal Code does not prohibit sexual harassment in the workplace, and it was a widespread problem. Women's groups reported that there was little support for efforts to criminalize sexual harassment and that sexual harassment was tolerated by women who feared unemployment more than harassment. The Labor Code, which regulates questions of security in the workplace, provides for sentences of up to 3 years' imprisonment for sexual harassment; non-violent acts of sexual harassment may also be prosecuted under the defamation statutes. During the year, no charges were brought under this provision of the Labor Code.

Women had the same rights as men, including identical inheritance and property rights. The number of women in middle or upper managerial positions in business and government remained low, and, in practice, women received lower pay than men in similar positions and occupations. The number of women in the police and the military has risen over the past several years, and women were well represented in the judiciary and in the medical and teaching professions. During the year, the Government upgraded a division to promote equal opportunity, formerly under the Ministry of Employment and Labor Affairs, to a new status in a different office, headed by the Minister Without Portfolio for Equal Opportunity.

Children

The Government was committed to children's rights. Education was mandatory and free through 16 years of age. The Ministry of Education estimated that 95 percent of school-age children, with the exception of Romani children, were enrolled in school. Roma were far more likely than non-Roma to stop attending school before age 16. Reliable figures on Romani enrollment and graduation rates were unavailable due to the prohibition on collecting data on ethnicity.

Romani and other civic organizations criticized the practice of placing Romani children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in de facto segregation. Although the children could return to the regular school system, only a small percentage did so. In 2002, the Ombudsman for National and Ethnic Minority Rights declared that segregation continued to exist in public education. An earlier report by the Ombudsman's office found that the high proportion of Romani children in "special schools" for children with mental disabilities was a sign of prejudice and a failure of the public education system. To prevent the improper placement of children in remedial education, particularly Romani children, parents were required to concur in the decision of the school to enroll their child in such a program and the child was tested yearly to measure educational performance. NGOs remained concerned that Romani children were still improperly referred to special schools despite the safeguards. The Government Office of National and Ethnic Minorities estimated that as many as 700 schools had segregated classrooms. The Government stated that the Romani schools were designed to provide intensive help for disadvantaged children.

In one case of segregation in the education of Roma, the municipal government of Jaszladany had established 11 private classrooms in the public school and applied to accredit the classrooms as a separate charter school. The Romani minority self-government and the Ministry of Education interpreted this as a move to separate Romani and non-Romani students. Although the Minister of Education, in 2002, suspended the school's accreditation and prohibited the private classrooms, ethnically divided classrooms continued to function in the Jaszladany public schools. In September, a private foundation school was authorized to continue operating. The Minister Without Portfolio for Equal Opportunity stated that the school should have an opportunity to demonstrate that segregation was not an issue.

There were programs aimed at increasing the number of Roma in higher education. The Romaversitas program supported Romani students completing degrees in institutions of higher education; there were departments of Romani studies in the teachers' training colleges in Pecs and Zsambek and of Romology at the University of Pecs. The Government provided a number of scholarships to Roma at all levels of education through the public

Foundation for the Hungarian Roma. The Government reported that in the 2002-03 academic year, over 20,000 Roma received state-funded scholarships, of which 1,500 were given for studies at the university level.

School-age children may receive free medical care at state-operated institutions and most educational facilities. Psychologists were available to evaluate and counsel children, and provisions existed for children to obtain dental care.

Child abuse remained a problem. An estimated 25 percent of girls suffered from abuse by a family member before they reached the age of 12. During the year, 3,815 children were reported as victims of crimes. NGOs reported that neglect and abuse were common in state care facilities. The law criminalizes relationships between an adult and a minor when the minor is under 14 years of age. The Criminal Code provides sanctions against the neglect and endangerment of minors, assault, and preparation of child pornography; however, laws to protect children were enforced infrequently.

Child prostitution was not a common practice, although isolated incidents occurred. Severe penalties existed under the law for those persons convicted of engaging in such acts. Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population). Of these persons, 300,000 to 350,000 were considered to have serious disabilities and received increased government benefits. Persons with disabilities faced societal discrimination and prejudice.

A Council for the Disabled under the leadership of the Minister of Social and Family Affairs served as an advisory board to the Government. A decree requires all companies that employ more than 20 persons to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. The international NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed to oversee the treatment and care of persons with disabilities who were under guardianship. The MDRI and the PEF also criticized the use of cages in government facilities for persons with mental disabilities.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

National/Racial/Ethnic Minorities

The law recognizes individuals' minority rights, establishes the concept of the collective rights of ethnic minorities, and states the inalienable collective right of minorities to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. To be recognized, an ethnic group must have at least 100 years' presence in the country, and its members must be citizens. On this basis, minority status was granted specifically to 13 national or ethnic groups (among which the Roma were easily the most numerous). Other groups may petition the Speaker of Parliament for inclusion if they believed that they fulfilled the requirements.

According to the 2001 national census, Roma constituted approximately 2 percent of the population, but many NGOs and government offices estimated the number at up to 5 percent. Ethnic Germans, the second largest minority group, constituted approximately 0.7 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians also were recognized as ethnic minorities.

The Roma Affairs Office was lodged in the Office of the Prime Minister. A Political State Secretary who directed this office was Roma, a M.P., and former president of the Roma minority self-government of Nagykanizsa. A new Ministerial Commissioner for Romani Affairs was also created, and the Government planned to place a commissioner in six ministries. At year's end, the only ministerial commissioner for Romani affairs was in the Ministry of Education.

Living conditions for Romani communities continued to be significantly worse than for the general population.

Roma were significantly less well educated and had below average income and life expectancy. The unemployment rate for Roma was estimated at approximately 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty.

The Minority Affairs Ombudsman played an active role in the examination of allegations of discrimination against the Romani community and continued to promote a uniform anti-discrimination law (see Section 4).

Reports of police abuse against Roma were common, but many Roma were fearful to seek legal remedies or notify NGOs (see Section 1.c.). In February, a Romani male accused police in Hajduhadhaz of using excessive force after being shot by them, but it was unclear whether he was in custody or in flight from the police at the time. At year's end, the case was pending. Police also failed to intervene to prevent violence against Roma. There was no progress in 2002 case of arson at the Romani minority self-government building in Pecsvarad village.

The Penal Code provides penalties for hate crimes committed because of the victim's ethnicity, race, or nationality. Three cases from 2001 charging incitement of the public remained pending at year's end, all involving distribution of anti-Semitic tracts. On December 1, Parliament passed an amendment to the hate speech law. The amendment modifies the law so that language does not have to meet the "incitement to violence" test to be considered hate speech. The President referred the amendment to the Constitutional Court, and its review was pending at year's end.

Negative stereotypes of Roma as poor and socially burdensome persisted. Widespread discrimination against Roma continued in education, housing, penal institutions, and access to public institutions, such as restaurants and pubs. In some instances, the authorities fined establishments that banned Roma. In August, the Roma Press Center published a report that a hospital in Pest district segregated pregnant Roma. In October, the Ombudsman for Minority Rights opened a disciplinary investigation against the deputy notary of Piliscaba, Pest, for making hateful remarks about Roma; the deputy notary was suspended. In November, two Romani men were found innocent and released after 15 months in prison. They sued for compensation but were not awarded the requested amount. The court's judgment stated that, because the individuals were more "primitive" than average, they did not merit the greater compensation. An appeals court upheld the judgment; however, the Prime Minister reprimanded the presiding judge.

Education was available to varying degrees in most minority languages. There were certain minority schools where the minority language was also the primary language of instruction, and there were some schools where minority languages were taught as a second language.

Schools for Roma were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma. Government sources estimated that graduation rates for Roma remained significantly lower than for non-Roma, although there were no available statistics.

Section 6 Worker Rights

a. The Right of Association

The Labor Code recognizes the right of unions to organize and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views.

There were six trade union federations; each was targeted broadly at different sectors of the economy. The largest labor union organization was the National Confederation of Hungarian Trade Unions, the independent successor to the former monolithic Communist union, with approximately 235,000 members. As an indicator of union membership, in 2002, a total of 630,000 taxpayers declared a deduction for payment union fees.

Employers are prohibited from discriminating against unions and their organizers. The Ministry for Employment Policy and Labor Issues enforced this provision; however, in a report to the International Labor Organization, unions claimed that the Government's anti-union stance had negative effects on labor relations within companies. For instance, the unions claimed, management refused to withhold union dues when so requested by the unions. The Government reestablished the Interest Reconciliation Council (IRC) in response to union concerns, and the relationship between the Government and trade unions appeared to be improving.

There were no restrictions on trade union contacts with international organizations, and unions have developed a

wide range of ties with international trade unions.

b. The Right to Organize and Bargain Collectively

The Labor Code permits bargaining at the enterprise and industry level, but collective bargaining was not widespread in many sectors of the economy. According to the International Confederation Free Trade Unions Annual Survey for 2001, the country's six unions claimed that laws undermined a broad range of workers' and trade union rights; however, consultations between the Government and trade unions on amending the Labor Code, which started in 2002, remained ongoing. Labor organizations cooperated with each other; for example, the major trade unions worked closely together in the IRC, which brought together Government, employers, and trade unions to advise the Government on labor policies and to set target wage increases. Individual trade unions and management may negotiate higher wages at the plant level. Under a separate law, public servants may negotiate working conditions, but the final decision on increasing their salaries rests with Parliament. The Ministry for Employment Policy and Labor Issues was responsible for drafting labor-related legislation, among other tasks.

With the exception of military personnel and police officers, workers have the right to strike but did not do so during the year.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. Employees in such facilities and zones are protected under the labor laws.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Government adopted laws to protect children from exploitation in the workplace. The Labor Code prohibits labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor. Children may not work overtime. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

e. Acceptable Conditions of Work

The IRC has the right to establish the minimum wage through agreement among its participants, representatives of the Government, employers, and employees. In January 2002, the minimum monthly wage was raised to \$200 (50,000 HUF), which did not provide a decent standard of living for a worker and family. The minimum wage was only 41 percent of the average wage. Many workers needed a second job to support themselves; others, while officially earning the minimum wage, were paid more under the table. This practice allowed workers and employers to evade pension and health care contributions, which were determined as a percentage of the wage.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, paid vacation and sick leave entitlements, and labor conflict regulations procedures. The Code sets the official workday at 8 hours, although it may vary depending upon the nature of the industry. A 48-hour rest period is required during any 7-day period. In 2002, the Labor Code was amended to conform to EU standards.

Labor courts and the Ministry of Economy enforced occupational safety standards set by the Government, but specific safety conditions were not consistent with internationally accepted standards. The enforcement of occupational safety standards was not always effective, in part due to limited resources. Under the Labor Code, workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected in practice.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons to, from, and primarily through the country remained a serious problem. Some border guards facilitated trafficking.

The Penal Code provides penalties for trafficking commensurate with those for rape. Under the law, even

preparation for the trafficking in persons is a criminal offense. The penalty for trafficking is between 2 and 8 years in prison; the trafficking of minors is punishable by up to 10 years in prison. However, if an organized trafficking ring is involved, the sentence can be life imprisonment and seizure of assets. The alien law provides for immediate expulsion from the country of foreign traffickers. Prosecution of traffickers was difficult because there was no legislation to protect victims; however, in 2001, a total of 34 trafficking cases came to trial, all of which remained pending at year's end.

The government agencies most directly involved in anti-trafficking efforts were: Police, border guards, customs authorities, prosecutors, and the Justice and Interior ministries. The Police Organized Crime Task Force investigated trafficking cases involving organized crime, and the Government cooperated with other countries to facilitate improved police cooperation to combat organized crime and trafficking in persons.

The country was primarily a transit point, but it was also a source and destination country for trafficked persons. Women and children were trafficked for sexual exploitation primarily from Russia, Romania, Ukraine, Moldova, and Bulgaria to and through the country to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. Trafficking victims from the country typically were women from the country's eastern regions, where unemployment was high. They were trafficked to Western European countries and elsewhere, primarily to Austria, Belgium, Germany, Italy, and the Netherlands, as well as to Canada, Japan, Spain, Switzerland, and Turkey. Men trafficked for forced labor through the country en route to EU countries and the United States came from Iraq, Pakistan, Bangladesh, and Afghanistan. There were no estimates available on the extent of the problem.

Organized crime syndicates brought many of the victims of trafficking to the country, either for work as prostitutes in Budapest, or for transit to Western Europe or North America. Trafficking rings also exploited victims by using them as babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates were active in trafficking women through the country, primarily from Ukraine and other countries of the former Soviet Union to EU countries. Hungarian victims were primarily young women, although they also included men, middle-aged women, and children. Victims were recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Reportedly, some victims knew that they were going to work illegally; others believed they were getting foreign visas; others expected to work but believed their employers were obtaining the appropriate papers and permission. Once at their destination, the victims were forced into prostitution or other exploitation. Traffickers often threatened victims, confiscated identification documents, and severely restricted their freedom of movement.

Corruption among some border officials aided traffickers. During the first 9 months of the year, there were investigations into the actions of 28 border guards. Nine cases were resolved, with guards being either separated for cause or sentenced to imprisonment (some with suspended sentences). Including cases from previous years, there were 137 cases against border guards pending at year's end.

The Government provided limited assistance to victims of trafficking. In principle, assistance with temporary residency status, short-term relief from deportation, and shelter assistance were available to trafficking victims who cooperated with police and prosecutors; however, there were no documented cases where such assistance was provided. Reportedly, police and immigration officials often treated trafficking victims as criminals and refused to believe reports of kidnapping of young women.

The Ministry of Interior's Victims' Protection Office managed a victims' protection fund and posted information on victim protection in every county police headquarters. Victims' Protection Office branches in 42 localities provided psychological and social support services and legal aid for victims (see Section 1.d.).

The International Organization on Migration (IOM), working with NGOs, continued a program funded by the Government and foreign donors to raise awareness of the problem of trafficking and to educate potential victims. Women's rights organizations, the IOM, and the Ministry of Youth and Sports Affairs conducted preventive programs for teenagers in schools. NANE established a hotline that provided information on trafficking-associated advertising lures and situations to alert young women. NANE, the IOM, and the Public Fund for a Safe Hungary, with funding from foreign governments cooperated to continue and enhance the operation of the hotline.

NGOs working on trafficking problems reported that cooperation with counterpart government agencies improved. The NGOs provided law enforcement officers with training in recognizing and identifying trafficking victims, which included sensitivity training as well as techniques to combat trafficking.